



SAN BRUNO CITY COUNCIL

May 11, 2004

ADJOURNED & REGULAR MEETING MINUTES

THIS IS TO CERTIFY THAT:

The San Bruno City Council met in an adjourned session on May 11, 2004 at 6:45 p.m. in order to interview applicants for appointment to the Board of Directors of the San Mateo County Mosquito Abatement District. Present were Mayor Franzella and Councilmembers Ruane, Ibarra, Pallas, and O'Connell with City Clerk Simon recording. William Lent of San Anselmo Ave. and Robert Riechel of 7th Ave. were interviewed and advised that the Council will make the appointment at the May 25, 2004, City Council Meeting. Meeting adjourned at 6:55 p.m. to the regular City Council Meeting starting at 7:00 p.m.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

1. ROLL CALL:

The regular meeting of the San Bruno City Council was called to order at 7:00 p.m. with Mayor Franzella presiding; Vice Mayor O'Connell, Councilmembers Ruane, Ibarra, Pallas, with Clerk Simon recording.

PLEDGE OF ALLEGIANCE: Mayor Franzella asked City Attorney Thompson to lead the Pledge.

ANNOUNCEMENTS:

Mayor Franzella announced the **64th ANNUAL "POSY PARADE"** sponsored by the San Bruno Lions Club will be held Sunday June 6, 2004. This year's theme is **Recycle Me**. Please contact parade chairperson Harry Costa at 871-9425 with any questions.

PRESENTATIONS:

- a. President Elect Mario Puccinelli of The **Rotary Club of San Bruno** presented a check for \$8,012.50 to Police Officer and Canine Handler, Liz Mariner, for the purchase and training of **new police dog** Jumo "Rotary" vom Sulzbergblick. Police Chief Lee Violet said in these difficult budget times the donation to purchase the new police dog was very much appreciated. **Mayor Franzella** speaking on behalf of the entire City Council thanked the Rotary Club of San Bruno for the generous donation.
- b. **Mayor Franzella** read a **Proclamation** declaring May 16th thru 22nd, as **Public Works Week** in San Bruno and presented to Scott Munns Director of Public Works.

2. REVIEW OF AGENDA: no changes were made.

3. APPROVAL OF MINUTES: Regular Council meeting of April 27, 2004, **approved as submitted.**

4. CONSENT CALENDAR:

- a. **Approve: Payroll** of April 23, 2004
- b. **Approve: Accounts Payable** of April 12 & 19, 2004. (Council Packets only, copy is available for review at the City Clerk's office)
- c. **Adopt:** Resolution temporarily closing certain streets in connection with the Annual Posy Parade on June 6, 2004. Included is letter dated April 20, 2004, from Harry Costa, Parade Chairperson requesting use of City Park ball fields and police department traffic control.
- d. **Adopt:** Resolution of intent to amend Personnel Rules and Regulations as adopted by resolution 1958-148, as amended, **revising and updating job titles and position descriptions** for Principal Civil Engineer, Deputy Public Works Director, Administration and Engineering (City Engineer), Assistant Engineer/Associate Civil Engineer, Parks and Recreation Services Director, and Maintenance Services Manager Series. Public Hearing set for City Council meeting, May 25, 2004.

M/S O'Connell/Ibarra, to approve the consent calendar and passed unanimously.

5. PUBLIC HEARINGS: (Notices have been published, posted, and mailed)

Recommended, waive first reading, introduce an ordinance of the City of San Bruno repealing Section 2.C. of Ordinance No. 1647 (Water Rates, Charges, and Fees) and Section 2. VII of Ordinance No. 1648

(Wastewater Rates, Charges, and Fees) establishing provision of reduced rates for low-income customers. The Mayor opened the Public Hearing and asked if anyone wished to address the Council on this matter.

Christina Blanchard of Hawthorne Avenue stated she was in favor of a rate reduction for low-income residents and was hopeful the City Council would not increase the low-income rates.

Mayor Franzella responded that the ordinance will allow the City Council to set new low income rates and the public hearing would be in early June 2004. No one else wished to address the Council.

M/S Ruane/Ibarra to close the public hearing and passed unanimously. **M/S Ruane/Ibarra** to waive the first reading and passed unanimously.

Councilmember Ruane introduce the ordinance for adoption and roll call vote was taken with all Ayes.

6. UNFINISHED BUSINESS:

- a. Adopt a resolution of the City Council noticing intent to charge Water Enterprise Fund an in-lieu franchise fee and set hearing for objections, as part of the approved 2004-05 Budget Strategy.
- b. Adopt a resolution of the City Council noticing intent to charge Wastewater Enterprise Fund an in-lieu franchise fee and set hearing for objections, as part of the approved 2004-05 Budget Strategy.

Mayor Franzella noted that both items require the same action and they are just two different funds and can be taken together.

Councilmember Pallas requested to know if the Water Department was charged an in-lieu fee, how would this effect funding of the Department? Last year the City Council delayed putting in a filtering system at the Lions Field Well because of a lack of funding available.

Finance Director O'Leary replied that the Council Budget Strategy was for cost recovery and if the Water and Waste Water Divisions were privately held they would be charged a franchise fee as normal operating expense in order to reimburse the General Fund for their cost.

Councilmember Pallas asked how this would affect the current rates?

Director O'Leary stated that this would be handled as a normal expense to the department and will be looked at as normal operational cost during the regular rate review hearing.

Councilmember Pallas said he reviewed Water Commission minutes from the 1950's, and found that members did a great deal of work for the City. He feels if we re-instate the Water Commission and make a separate Water Department similar to Cable TV, the Water Department could establish rates, follow-up on delinquent bills, and eventually obtain 100% of our water from wells. He said we could save \$1,000,000 per year and bottle our own water for a profit and help the General Fund without raising rates to our citizens.

Councilmember Ibarra asked Director O'Leary to explain exactly what is an in-lieu fee and said it is not a direct fee to the resident and merely a transfer between funds.

Director O'Leary stated there is no intent to directly tax the user. The General Fund has not had the ability to collect cost involved. These are funds we should be collecting if we were in a private sector operation. Originally a 5% fee was considered; however, it has been reduced to 2% to meet the provisions of Prop 218 and this will only achieve half of our goal of \$400,000. This fee would only apply to the consumption portion of the utility bill.

City Manager Jackson said the in-lieu franchise fee is only intended to recover the General Fund contribution to the operation of the Water and Wastewater operations. The City Council does not have the ability to take money out of the Utility funds or reserve accounts, but should recover cost for providing the right of way for the transport and cost of these systems.

Mayor Franzella said these resolutions would notice the intention and create a hearing date.

Councilmember Pallas said the Water Department is being charged a higher fee than other departments such as the Finance Department.

Director O’Leary said the Finance Department does the billing for utilities and must collect the cost from the Water Department for service provided. The City Attorney said the hearing would be June 8, 2004.

Councilmember Ruane introduced both resolutions for adoption with roll call vote of all Ayes.

7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACTS: None

8. COMMUNICATIONS: None

9. STAFF REPORTS: None

10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES: None

11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Winn Parker, Marina Vista, Millbrae, wants to address the Council on the use of Chloramine in the water supply, but will need more than the allowed three minutes. He will be available at a later date to answer questions from the Council; there will also be hearings on the subject. There is a State initiative being proposed to give voters a right to decide what is put in their food and water, and “double blind” studies are underway on the effect Chloramine has on copper and lead pipes.

Robert Riechel of 7th Avenue requested the Public Works Director update the citizens on the testing of the “baby bullet train” which is scheduled for this weekend.

Public Works Director Munns said he would check with Caltrain and the Transportation Authority about the testing of the “baby bullet train” which would be coming through town at 79 miles per hour. Confirmation of test dates will be put on the San Bruno CABLE TV Channel 11-message board.

Michele Perazzo of Millbrae, California is very concerned about the chloramine additive to the water. She requested the PUC provide medical documentation and did receive a report that chloramine is toxic. There is no filter for household use that can filter out the ammonia and this will cause medical problems later on. She urges the City Council to stop the use of this toxin in our water supply.

Christina Blanchard of Hawthorne Avenue stated she is very concerned because she has a kidney problem. Her cat does not feel well and she has started giving it bottled water. She would like the City to return to well water without the addition of chloramine.

12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

Council Ad Hoc Fireworks Stands Committee (Franzella/Pallas) recommended Council grant **Fireworks Stand permits**. There is no need for a lottery this year since the total permits do not exceed the maximum of 18 allowed. Approval is based upon finding that the non-profit organizations meet requirements of Resolution 2002-11 and any other applicable laws, rules, regulations, and orders. Included is copy of the City’s regulations pertaining to fireworks stands as put forth by Fire Chief Voreyer.

Mayor Franzella stated that the approval tonight is subject to the Fire Chief’s sanction of the stand locations.

Councilmember Ibarra asked the City Clerk to explain how a group is determined to be a locally based non-profit organization.

Clerk Simon replied that Resolution 2002-11 gives several criteria for the Council Ad Hoc Committee to use in order to make this determination.

Councilmember Pallas stated that the Rotary Club of San Bruno was able to make the \$8,000 donation for the new police dog because of fund raising with fireworks sales and he feels all organization are spending their funds in San Bruno.

M/S Pallas/Ibarra, to approve all 18 applications. Motion was passed unanimously.

Councilmember Ibarra made a plea to all organizations and the public to abide by the rules because one person could spoil this event for everyone.

13. NEW BUSINESS:

Councilmember Pallas said with all the fears regarding the use of chloramines in our water supply, we need to have a debate on this subject. It would put this issue to rest in San Bruno.

Mayor Franzella said he had no problem having a debate but was not aware when all parties will be available. He recommended that the City Manager, Mayor, and Councilmember Pallas meet to determine a date, time, and format to discuss this issue at some future date. There was concurrence from the Council.

CLOSED SESSION:

The City Council adjourned to closed session at 7:45 p.m. to discuss the following items:

- a. Requested by Assistant City Manager Rogers regarding **labor negotiations** with the San Bruno Police Officers Association and San Bruno Public Safety Mid-Management bargaining units. (Gov't Code Section 54957.8).
- b. Requested by City Attorney Thompson regarding government **tort claims** of Lawrence & Eunice Vernassa, Denise Granville, and John O'Rourke regarding alleged water damage at 370 W. San Bruno Avenue on January 31, 2004 (Gov't Code Section 54956.9(C)).

Mayor Franzella reconvened the City Council meeting at approximately 8:15 p.m. and reported that on item 13.a., direction was given to the City's negotiating team. Regarding agenda item number 13.b., direction was given to the City Attorney on how to proceed with the tort claim.

ADJOURNMENT:

With no further business to transact, the meeting was adjourned to the regular City Council meeting of May 25, 2004, starting at 7:00 p.m. San Bruno Senior Center, located at 1555 Crystal Springs Road.

The foregoing minutes were approved by
the San Bruno City Council at a regular
meeting held on May 25, 2004.

Respectfully submitted,

Ed Simon, City Clerk

Larry Franzella, Mayor